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PATENT
Attorney Docket No.: AVARS-02700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:

Mansour J. Karam et al.

Serial No.: 10/070,338

Filed: December 12, 2002

For: **METHOD AND APPARATUS
FOR CHARACTERIZING THE
QUALITY OF NETWORK PATH**

**REQUEST FOR REFUND (IMPROPER
CHARGE OF DEPOSIT ACCOUNT)**

162 North Wolfe Road
Sunnyvale, CA 94086
(408) 530-9700

Customer No. 28960

Attn: Refund Section, Accounting Division
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for a refund, with respect to the charge to Deposit Account 08-1275, shown on the attached statement dated September 2008 for the above-identified patent application.

A Supplemental Information Disclosure Statement was filed on August 21, 2008 (see copy of transmittal letter, certification for supplemental information disclosure statement, supplemental information disclosure statement, and stamped received postcard). Deposit Account 08-1275 was debited \$180.00 on September 29, 2008. However, a certification was filed with the Supplemental Information Disclosure Statement that was within the three month statutory time period. Therefore, no supplemental information disclosure statement fee should have been debited from the deposit account.

Applicant respectfully requests a credit to Deposit Account 08-1275 in the amount of \$180.00. The Commissioner is hereby authorized to credit Deposit Account 08-1275.

Respectfully submitted
HAVERSTOCK & OWENS LLP

Dated: 11-3-08

By: 

Thomas B. Haverstock
Registration No.: 32,571

Attorneys for Applicant(s)

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Trademarks, P.O. Box 1451 Alexandria, VA 22313-1451

HAVERSTOCK & OWENS LLP.

Date: 11/4/08 By: 



**United States
Patent and
Trademark Office**



Deposit Account Statement

Requested Statement Month: September 2008
 Deposit Account Number: 081275
 Name: HAVERSTOCK & OWENS LLP
 Attention: NENETTE M. RENA
 Street Address 1: 162 NORTH WOLFE ROAD
 Street Address 2:
 City: SUNNYVALE
 State: CA
 Zip: 94086
 Country: UNITED STATES

| DATE | SEQ | POSTING REF | ATTORNEY DOCKET TXT NBR | FEE CODE | AMT | BAL |
|-------|-----|----------------|-------------------------------|-------------|-----------|------------|
| 09/08 | 102 | 12228978 | FUSI-04111 | 2202 | \$700.00 | \$7,198.00 |
| 09/08 | 103 | 12228978 | FUSI-04111 | 2201 | \$210.00 | \$6,988.00 |
| 09/08 | 104 | 12228978 | FUSI-04111 | 2081 | \$130.00 | \$6,858.00 |
| 09/09 | 2 | 10651591 | SCOR-00000 | 1202 | \$200.00 | \$6,658.00 |
| 09/11 | 38 | 12228978 | FUSI-04111 | 2202 | -\$700.00 | \$7,358.00 |
| 09/11 | 39 | 12228978 | FUSI-04111 | 2201 | -\$210.00 | \$7,568.00 |
| 09/11 | 44 | 12228978 | | 9204 | -\$435.00 | \$8,003.00 |
| 09/15 | 3 | 11897798 | CONX-00102 | 2202 | \$75.00 | \$7,928.00 |
| 09/17 | 1 | 11644728 | FLEX-00900 | 1806 | \$180.00 | \$7,748.00 |
| 09/19 | 6 | 60957946 | | 9204 | -\$5.00 | \$7,753.00 |
| 09/19 | 3 | 10651588 | SOLID-P002 | 2202 | \$250.00 | \$7,503.00 |
| 09/23 | 62 | 11410352 | | 9204 | -\$100.00 | \$7,603.00 |
| 09/23 | 21 | 10349805 | SONY-17300 | 1806 | \$180.00 | \$7,423.00 |
| 09/25 | 2 | 09811353 | FUSN1-01105US0 | 1806 | \$180.00 | \$7,243.00 |
| 09/29 | 4 | 10070338 | 24717-718 | 1806 | \$180.00 | \$7,063.00 |
| 09/29 | 43 | 10763868 | SONY-05300 | 1402 | \$10.00 | \$7,053.00 |
| 09/29 | 1 | 09948401 | SONYA-58445 | 1814 | \$130.00 | \$6,923.00 |
| 09/30 | 1 | 11002048 | SONY-12303 | 1806 | \$180.00 | \$6,743.00 |
| 09/30 | 90 | 10184303 | | 9204 | -\$25.00 | \$6,768.00 |

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| BALANCE | CHARGES | REPLENISH | BALANCE |
| \$7,898.00 | \$2,605.00 | \$1,475.00 | \$6,768.00 |

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Serial No.: 10/070,338

H&O File No.: AVARS-02700 By: TBH/155

In the Matter of The Application of: Karam et al

Date Mailed: 8/21/08

Due Date: 8/29/08

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- | | | |
|--------------------------------------------------------------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Design Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1533 (Not. of Missing Parts) | <input checked="" type="checkbox"/> Transmittal Letter <input checked="" type="checkbox"/> Duplicate |
| <input type="checkbox"/> Utility patent Application _____ Pages | <input type="checkbox"/> Form PTOL-85B (issue Fee Trans) & dup. | <input checked="" type="checkbox"/> Certificate of Mailing |
| <input type="checkbox"/> Prov. Patent Application _____ Pages | <input type="checkbox"/> Form PTO-1050 (Cert. of Correction) | <input type="checkbox"/> Certificate of Express Mailing |
| <input type="checkbox"/> Declaration/Oath | <input type="checkbox"/> Maintenance Fee Transmittal Form | Label No.: _____ |
| <input type="checkbox"/> Power of Attorney _____ | <input type="checkbox"/> Reexamination Request | <input type="checkbox"/> Check(s): \$ _____ |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> Notice of | <input checked="" type="checkbox"/> Deposit Account Authorization Form |
| <input type="checkbox"/> Form PTO-1594/1595 | <input type="checkbox"/> Affidavit/Declaration | |
| <input type="checkbox"/> Small Entity Statement | <input type="checkbox"/> Copy of Filing Receipt | |
| <input type="checkbox"/> Drawings: _____ Sheet(s) | <input type="checkbox"/> Req. for Corr of: _____ | |
| <input type="checkbox"/> Formal <input type="checkbox"/> Informal | <input type="checkbox"/> Request for Non-Publication | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Rescission Of Request for Non-Publication | |
| <input checked="" type="checkbox"/> Form PTO-1449 and Copies of 2 | <input type="checkbox"/> _____ | |
| References Contained Thereon | <input type="checkbox"/> _____ | |
| <input checked="" type="checkbox"/> Information Disclosure Certification | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Extension of Time Request: _____ Month(s) | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> Petition | <input type="checkbox"/> _____ | |

FOR PTO USE

COPY

PATENT

Attorney Docket No.: AVARS-02700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mansour J. Karam et al.

Serial No.: 10/070,338

Filed: December 12, 2002

For: **METHOD AND APPARATUS FOR
CHARACTERIZING THE
QUALITY OF NETWORK PATH**

) Group Art Unit: 2144

) Examiner: Bengzon, Greg C.

) TRANSMITTAL LETTER

) 162 N. Wolfe Road
) Sunnyvale, CA 94086
) (408) 530-9700

) Customer No.: 28960

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

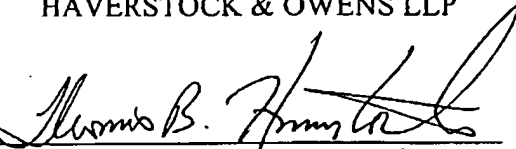
Sir:

Enclosed please find a Supplemental Information Disclosure Statement, a Certification pursuant to 37 C.F.R. § 1.97(e) for the Supplemental Information Disclosure Statement, Form PTO-1449, and copies of two references for filing in the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8-21-08

By: 
Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(e))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 8/21/08 By: BA

COPY

PATENT
Attorney Docket No.: AVARS-02700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------------|---|----------------------------|
| In re Application of: |) | Group Art Unit: 2144 |
| Mansour J. Karam et al. |) | Examiner: Bengzon, Greg C. |
| Serial No.: 10/070,338 |) | <u>TRANSMITTAL LETTER</u> |
| Filed: December 12, 2002 |) | 162 N. Wolfe Road |
| For: METHOD AND APPARATUS FOR |) | Sunnyvale, CA 94086 |
| CHARACTERIZING THE |) | (408) 530-9700 |
| QUALITY OF NETWORK PATH |) | Customer No.: 28960 |
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| Mail Stop Amendment |) | |
| Commissioner for Patents |) | |
| P.O. Box 1450 |) | |
| Alexandria, VA 22313-1450 |) | |

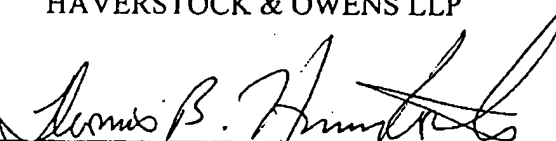
Sir:

Enclosed please find a Supplemental Information Disclosure Statement, a Certification pursuant to 37 C.F.R. § 1.97(e) for the Supplemental Information Disclosure Statement, Form PTO-1449, and copies of two references for filing in the U.S. Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fee or credit overpayment to our Deposit Account No. 08-1275. An originally executed duplicate of this transmittal is enclosed for this purpose.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8/21/08

By: 
Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(e))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 8/21/08 By: DA

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PATENT
Attorney Docket No.: AVARS-02700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|--------------------------------------|---|---------------------------------------------|
| In re Application of: |) | Group Art Unit: 2144 |
| Mansour J. Karam et al. |) | Examiner: Bengzon, Greg C. |
| Serial No.: 10/070,338 |) | <u>CERTIFICATION FOR</u> |
| Filed: December 12, 2002 |) | <u>SUPPLEMENTAL INFORMATION</u> |
| For: METHOD AND APPARATUS FOR |) | <u>DISCLOSURE STATEMENT UNDER 37</u> |
| CHARACTERIZING THE |) | <u>CFR § 1.97(e)</u> |
| QUALITY OF A NETWORK PATH |) | 162 N. Wolfe Road |
| |) | Sunnyvale, CA 94086 |
| |) | (408) 530-9700 |
| |) | Customer No.: 28960 |

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This certification is being made for the Supplemental Information Disclosure Statement accompanying this certification.

Certification

I hereby certify that the attached three (3) references contained in this supplemental information disclosure statement were cited within an European Search Report mailed on May 29, 2008. Accordingly, the references contained in the supplemental information disclosure statement were cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of the statement. 37 C.F.R. 1.97(e)(1).

COPY

PATENT
Attorney Docket No.: AVARS-02700

Identification of Person Making Certification

The person making this certification is the attorney who signs below on the basis of the information in the attorney's file.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8-21-08

By: Thomas B. Haverstock
Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(b))
I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

- 2 -

Date: 08/21/08 By: SL

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PATENT
Attorney Docket No.: AVARS-02700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mansour J. Karam et al.

Serial No.: 10/070,338

Filed: December 12, 2002

For: **METHOD AND APPARATUS FOR
CHARACTERIZING THE
QUALITY OF NETWORK PATH**

) Group Art Unit: 2144

) Examiner: Bengzon, Greg C.

) **SUPPLEMENTAL INFORMATION**
) **DISCLOSURE STATEMENT**

) 162 N. Wolfe Road
) Sunnyvale, CA 94086
) (408) 530-9700

MS: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The citations listed below, may be material to the examination of the above-identified application, and are therefore submitted in compliance with the duty of disclosure defined in 37 C.F.R. §§ 1.56 and 1.97. The Examiner is requested to make these citations of official record in this application.

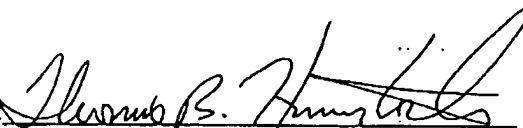
Applicants have become aware of the following printed publications which may be material to the examination of this application:

- U.S. Patent No.: 5,652,841
- Bouloutas, A. et al, "Some Graph Partitioning Problems and Algorithms Related to Routing in Large Computer Networks," International Conference on Distributed Computing Systems, Newport Beach, June 5-9, 1989, pgs. 362-370, Washington, IEEE Comp. Soc. Press, US.
- Yositsugu, Ohmae et al, "Dividing Method for Topological Design of Corporate Communication Networks," August 1, 1992, pgs. 54-62, Communications, Wiley Hoboken, NJ, US.

This Supplemental Information Disclosure Statement under 37 C.F.R. §§ 1.56 and 1.97 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that anyone or more of these citations constitutes prior art.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 8-21-08

By: 
Thomas B. Haverstock
Reg. No.: 32,571

Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(e))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.

Date: 8/21/08 By: TH

| | | | |
|-------------------------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------|------------------------|
| FORM PTO-1449 (Modified) | U.S. Department of Commerce Patent and Trademark Office | Attorney Docket No.: AVARS-02700 | Serial No.: 10/070,338 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use Several Sheets If Necessary) | | Applicant: Mansour J. Karam et al. | |
| (37 CFR § 1.98(b)) | | Filing Date: December 12, 2002 | Group Art Unit: 2144 |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|--------------------------------------|---------------------------------|----------------------|-------------------|----------|-------------|------------|
| Examiner Initials | Patent Number/ Publication Number | Issue Date/ Publication Date | Applicant / Patentee | Class | Subclass | Filing Date | Date |
| | AA | 5,652,841 | 07/29/1997 | Nemirovsky et al. | 395 | 201 | 06/07/1995 |
| | AB | | | | | | |
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| FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS | | | | | | | | |
|----------------------------------------------------------|----|-----------------|------------------|-------------------------|-------|----------|------------|----|
| | | Document Number | Publication Date | Country / Patent Office | Class | Subclass | Transition | |
| | | | | | | | Yes | No |
| | AP | | | | | | | |
| | AQ | | | | | | | |
| | AR | | | | | | | |
| | AS | | | | | | | |
| | AT | | | | | | | |

| OTHER DOCUMENTS (Including Author, Title, Date, Relevant Pages, Place of Publication) | |
|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AU | Bouloutas, A. et al, "Some Graph Partitioning Problems and Algorithms Related to Routing in Large Computer Networks," International Conference on Distributed Computing Systems, Newport Beach, June 5-9, 1989, pgs. 362-370, Washington, IEEE Comp. Soc. Press, U.S. |
| AV | Yositsugu, Ohmae et al, "Dividing Method for Topological Design of Corporate Communication Networks," August 1, 1992, pgs. 54-60, Communications, Wiley Hoboken, NJ, US. |
| AW | |
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| Examiner: | Date Considered: |
| EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | |

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 09/29/2008

KHARRIS1 SALE #00000004 Mailroom Dt: 08/25/2008 081275 10070338
01 FC : 1806 180.00 DA

Adjustment date: 11/17/2008 HDESTA1
09/29/2008 KHARRIS1 00000004 081275 10070338
01 FC:1806 180.00 CR